IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WA.No. 864 of 2007()

AGAINST THE JUDGEMENTIN WPC.4818/2007 Dated 16/03/2007
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APPELLANT: RESPONDENT

ELAVOOR SERVICE CO-OP. BANK LTD.NO.1009,
ELAVOOR P.O., ERNAKULAM, REP. BY
PRESIDENT P.V.JOSE.

BY ADV. SRI.P.N.MOHANAN
SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS:PETITIONER/RESPONDENT/RESPONDENT
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1. LIMSY V.O., W/O. POLY JOSE,
AGED 35, SRAMBICAL (H), PULIYANAM P.O.,
ALUVA TALUK, ERNAKULAM.

2. JOINT REGISTRAR OF CO-OP. SOCIETIES,
ERNAKULAM.

3. SHINY JOSEPH,
MADAVANNA HOUSE, VATTAPARAMBU P.O., KODUSSERY.

4. LISHA THOMAS,
KANNAMPUZHA HOUSE, NALUKETTU P.O., KORATTY.

5. SANTHOSH KUMAR,
SREEJANDESWARATH WARRIYAM, ELAVOOR P.O.,
ELAVOOR.

6. POULOSE P.T.,
PAROOKARAN HOUSE, PULIYANAM P.O., MAMBRA.

7. BENNY K.B.,
KANNAMPUZHA, VATTAPPARAMBU P.O., KARIPPASSERY.

R2 BY GOVT.PLADER SRI BENNY GERVACIS
R3 to R7 BY ADV. SRI P.V.BABY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02/04/2007 ALONG WITH W.A.NO.867/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

W.A.NOS.864 & 867 OF 2007

Dated this the 2nd day of April, 2007

JUDGMENT

Raman,J.

W.A.No.864/2007 is filed by the lst respondent-Bank and W.A.No.867/2007 is filed by respondents 3 to 7 in W.P.(C).No.4818/2007, who were appointed by the Bank. Both these appeals arise from the same judgment. We dispose of these appeals by this common judgment.

2. The lst respondent, who was an aspirant for the post of Peon and Attender, participated in the written test and interview conducted by the Bank. It was alleged that the written test and interview were not properly conducted and that fraud and corruption has been played by the Board of Directors of the Bank. An application under Section 176 of the Kerala Co-operative Societies Rules was filed by the lst respondent before the Joint Registrar of Co-operative Societies. Since that was not responded, she filed the writ petition seeking appropriate direction to consider and dispose of Ext.P6 representation filed before the Registrar in this behalf. The Bank contended that the Registrar has no power under Section 176 of the Kerala Co-operative Societies Act, since this is a dispute coming within the

purview of Section 69 of the Kerala Co-operative Societies Act. The learned Single Judge, after referring to the provisions contained in Section 69 of the Act, held that this is not a dispute between the persons mentioned in Sub Section 1 and a dispute coming within the purview of Section 69 of the Act. However, besides this question, whether Section 176 itself could be invoked is a matter on which the learned Single Judge did not enter on the merits of the contentions, but left to be decided by the Registrar and both sides have been given an opportunity to raise their respective contentions. The learned Single Judge has found that Section 69 of the Act is not attracted, against which these appeals are preferred.

2. The learned Counsel Sri P.N. Mohanan appearing for the appellant-Bank would contend that Section 69(2) read with Section 69(2)(d) would clearly show that any dispute arising in connection with employment of officers and servants is deemed to be disputes coming within the purview of Section 69. Before we go to Section 69(2) it has to be satisfied that this is a dispute arising between the parties as referred to in Section 69. Then only the scope of the word "dispute" occurring in Section 69(1) need be interpreted. Since this is not a dispute between the parties as referred to in Section 69(1), the same cannot be adjudicated

under Section 69. The view taken by the learned Single is that the dispute, which relates to the manner in which selection is conducted that too between the person who was not selected, does not come within the purview of Section 69(1). We are in full agreement with the view expressed by the learned Single Judge.

We find no merit in these appeals and they are accordingly dismissed.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.